

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2383

MARY NEIHSUNG ZANGIAT,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

On Petition for Review of an Order of the Board of Immigration Appeals. (A95-226-761)

Submitted: May 19, 2004

Decided: July 7, 2004

Before WILKINSON, GREGORY, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Yousof W. Nesari, LAW OFFICE OF J. W. NESARI, L.L.C., Herndon, Virginia, for Appellant. Peter D. Keisler, Assistant Attorney General, Richard M. Evans, Assistant Director, Carolyn M. Piccotti, Office of Immigration Litigation, Civil Division, DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Mary Neihsung Zangiat petitions this court for review of a decision of the Board of Immigration Appeals (Board). The Board affirmed the action of the immigration judge in pretermittting Zangiat's application for asylum, withholding of removal, and relief under the Convention Against Torture, with respect to Burma. Zangiat lived in India from 1988 to 2001, and entered this country in 2001 with an Indian passport. She offered no documentary evidence of her Burmese citizenship. Thus, the Board held that the immigration judge did not err in pretermittting the applications.

Zangiat complains that she was denied due process when the immigration judge stopped the hearing without taking her testimony. Removal and asylum hearings are subject to the constraints of procedural due process. Rusu v. INS, 296 F.3d 316, 320 (4th Cir. 2002). To prevail on a claim of denial of due process at an asylum hearing, the alien must show that any such denial resulted in prejudice. Gandarillas-Zambrana v. Bd. of Immigration Appeals, 44 F.3d 1251, 1256-57 (4th Cir. 1995). Prejudice may be found only when the due process violation "is likely to impact the results of the proceeding." Rusu, 296 F.3d at 320 (quoting Jacinto v. INS, 208 F.3d 725, 728 (9th Cir. 2000)). This court reviews claims of due process violations de novo. Blanco de Belbruno v. Ashcroft, 362 F.3d 272, 278 (4th Cir. 2004).

Zangiat had many months to obtain documents establishing her Burmese nationality and citizenship, but offered nothing, and still refers to no such proof. Therefore, even if the actions of the immigration judge as affirmed by the Board denied Zangiat due process, she cannot establish the prejudice necessary to entitle her to relief.

We deny Zangiat's petition for review. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED